

OPENING STATEMENT
Before the Full Committee
“PROPOSED SALE OF F-16 AIRCRAFT AND WEAPONS SYSTEMS
TO PAKISTAN”

Thursday, July 20, 2006 at 1:30 p.m.

The purpose of today's hearing is to review the Administration's proposal for a \$5 billion sale of F-16 fighter aircraft and weapons to Pakistan. The Administration provided official notice of this sale under section 36(b) of the Arms Export Control Act on June 28, 2006.

Typically, the Committee does not hold hearings on arms sales. That is because -- until now -- every Administration and every Congress, since enactment of the Arms Export Control Act in 1976, has respected the protocols governing the notification of arms sales. For more than 30 years, these protocols have provided a process by which national security and foreign policy questions could be addressed informally, before a notification is submitted. They permit the Legislative and Executive Branches to present a common position to other nations in this very sensitive area. They also provide an important means by which Congress is kept informed of sensitive matters and provided adequate notice before the commencement of the 30-day period provided in statute for deciding whether to prohibit a sale by enacting a resolution of disapproval.

The original basis for these protocols is a 1976 exchange of letters between Senator Hubert Humphrey and the head of the Defense Security Assistance Agency at that time. This exchange provided an important underpinning for H.R. 13680, the bill which then-HIRC Committee Chairman Thomas E. Morgan introduced a few months later, in May 1976, which became the Arms Export Control Act when signed into law in June 1976. For the 30-year period since then, these protocols have constituted a significant understanding between the Executive and Legislative Branches, as well as an important premise for the Congressional review requirements that currently exist in law. Given this history and the sensitivity of arms sales generally, any departure from these protocols might be expected to be approached with an abundance of caution. However, this was not the case in the F-16 sale to Pakistan. Instead, the notification was made precipitously and without explanation.

Yet, this is more than a controversy over protocol and procedures or a mere act of bad faith. It represents a deliberate and wholly inappropriate maneuver by the State Department to diminish the Congress' lawful oversight of arms sales. In this respect, we can easily dispense with the rhetoric coming out of State about how diligently it consulted Congress. The "consultation" State refers to is more accurately described as a few highly-rehearsed briefings by State during a two-week period in June. Just about the only conclusion to emerge from those briefings was the realization that almost nothing had been done to strengthen the security measures which the Committee found woefully inadequate when they were first broached with us by the Administration last fall -- before the earthquake delayed the sale. As a result, long-standing Congressional concerns about the potential for technology diversion remain, and some new concerns have emerged, including a concern that State itself may not be compliant with important obligations it has under the Arms Export Control Act. We met with senior officials

from State in a classified briefing on July 11th, and will continue to pursue these matters in closed session and through other appropriate channels.

What we can say for the public record is that a sequence of actions and inactions by the State Department resulted in a host of serious national security and compliance issues. The State Department cannot persuasively justify its position even now – with the statutory period in which Congress must act about to expire next week. This Committee is determined to take all appropriate action in order to ensure that there will not be a recurrence of this flouting of Congress' role. This could include amending the Arms Export Control Act, which Mr. Lantos and I have been discussing.

I now turn to Mr. Lantos, my friend, the Ranking Democratic Member, for his opening remarks.